

**DURHAM, NORTH CAROLINA  
MONDAY, NOVEMBER 5, 2007  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell read a proclamation declaring November as HomeCare and Hospice Month that was presented to Ron Thompson Director of Hospice who made comments; presented 2007 Individual Award to the Director of Human Relations Yvonne Pena who was recognized by the N C Human Relations Commission, and read a Resolution Memorializing Harry E. Rodenhizer, Jr. that was presented to his wife, Dorris Fay Taylor Rodenhizer who made comments.

City Council Members made comments on the following events attended and special recognition of individuals, organizations, etc:

Council Member Woodard: Encouraged citizens to support all the bonds, Bargain sale hosted by Junior League of Durham and Orange County and Durham Jaycee's Haunted House; Durham Affordable Housing Coalition Annual Meeting; South West Central Durham Neighborhoods Annual Community Festival Day; Make A Difference Day; Annual Meeting of Sister Cities of Durham and Topping Out Ceremony for the Durham Performing Arts Center.

Council Member Woodard asked the City Manager to provide a report on the legality of using gray water at the November 8, 2007 City Council Work Session.

Council Member Stith: City-wide Championship at Neal Middle School.

Council Member Catotti encouraged everyone to vote on tomorrow.

Mayor Pro Tempore Cole-McFadden: 10-year Plan to End Homelessness - Connect Project.

Council Member Clement: Announced that Charles Lyons will be leaving the Salvation Army Boys and Girls Club; Police Department and Sheriff Department have been reaccruited; National Night Out Coordinating Committee; Budget and Management Services received the Distinguished Budget Presentation Award; and announced John Burness of Duke University will be retiring effective June 2008 and requested that something be done in his honor.

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Council Member Brown: Cavett French Chair of Tree Committee in Trinity Park; Trinity Park Association; and General Services. He requested a report on Thursday on the status of the Nello Teer Quarry and DNER's plan to expedite this situation.

Mayor Bell thanked Council for their involvement in activities throughout the community. He made comments on the Durham Station groundbreaking.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk.

City Manager Baker gave an update on the water supply highlighting the drought status, water supply of Lake Michie and Little River; reduction goal; lake levels of Lake Michie and Little River; 72 days of current premium water supply remaining. He reported by the end of November staff can draw from the Teer Quarry based on receiving the permissions and permits from the State and also having the equipment in place to pull from Teer Quarry. He distributed a memo to Council for discussion on Thursday regarding changes to the ordinance relating to potential fines and cut-off/reconnection fees. Also, he reported on the water violations.

Interim Water Management Director Vickie Westbrook briefed Council on the gray water issue that is regulated by the state.

Mayor Bell reported on the regional conference he attended concerning the drought.

City Manager Baker made comments on the next steps and monitoring water consumption.

Council held discussion on water consumption and availability of rain barrels.

Council Member Stith requested a report on the recent water main break at the Work Session on Thursday.

Council Member Brown requested a copy of the leaking pipes report that was presented by the previous Director of Water Management Terry Rolan several years ago.

Deputy City Manager Voorhees noted staff will provide information on the recently added water rehabilitation program.

There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Item #17 was pulled.

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to approve the Consent Agenda as amended was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**[CONSENT AGENDA]**

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**SUBJECT: INVENTORY AUDIT (JUNE 30, 2007) - SEPTEMBER, 2007**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive and accept the Inventory Audit (June 30, 2007) as presented and approved at the September 24, 2007 Meeting of the Audit Services Oversight Committee was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION RECEIVED BY JANUARY 1, 2007**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to adopt a resolution scheduling a public hearing for Monday, November 19, 2007 to receive citizen comments concerning a voluntary petition for the following property to be annexed with a recommended effective date of December 31, 2007 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

- a) FY2007-11 Northeast Creek Development

**Resolution #9506**

**SUBJECT: PASSENGER VEHICLE FOR HIRE COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive and accept applications for citizens to fill two (2) vacancies on the Passenger Vehicle For Hire Commission to represent “Law” and “Passenger” with the terms to expire on January 1, 2010 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM BICYCLE AND PEDESTRIAN ADVISORY COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Bicycle & Pedestrian Advisory Commission with the term to expire on August 31, 2010 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**SUBJECT: DURHAM OPEN SPACE AND TRAILS COMMISSION – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Open Space & Trails Commission to represent Ward 2 with the term to expire on June 30, 2010 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: CAPITAL PROGRAM ADVISORY COMMITTEE – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy on the Capital Program Advisory Committee to represent Project Management with the term to expire on March 31, 2008 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM CULTURAL MASTER PLAN ADVISORY BOARD – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy on the Durham Cultural Master Plan Advisory Board with the term to expire on June 30, 2008 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM CONVENTION AND VISITORS BUREAU TOURISM DEVELOPMENT AUTHORITY - REAPPOINTMENT**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to reappoint Brian Lawson representing Food Service to the Durham Convention & Visitors Bureau Tourism Development Authority as recommended by the DCVB Board of Directors with term expiring on October 31, 2010 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PIGGYBACK PURCHASE - ONE (1) FIRE AND RESCUE PUMPER - SUTPHEN CORPORATION**

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**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to enter into a contract with the Sutphen Corporation, in the amount of \$302,327.24 for providing the City with one (1) Fire & Rescue Pumper; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PIGGYBACK PURCHASE - ONE (1) 95 FT. AERIAL PLATFORM - SUTPHEN CORPORATION**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to enter into a contract with the Sutphen Corporation, in the amount of \$762,950.06 for providing the City with one (1) 95 ft. Aerial Platform; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT- GOODWIN CROSSING (D06-863)**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to approve a major site plan and preliminary plat for "Goodwin Crossing," submitted by Bass, Nixon & Kennedy, Inc., on behalf of St. Lawrence Homes, Inc., for a 127 lot single-family residential development on 77.58 acres, zoned Planned Development Residential (PDR) 2.310 and Falls/Jordan Protected Area (F/J-B) -- the site is located on the northeast and southwest sides of Goodwin Road just north of Infinity Road, PIN 0835-04-52-1161, 0835-04-53-4274 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN – PALLADIAN OFFICE PARK, PHASES 1C, 1D AND 2 (D06-962)**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to approve a major site plan for "Palladian Office Park, Phase 1C, 1D and 2," submitted by Coulter, Jewell, Thames PA, on behalf of Park Ridge Corporate, LLC, for three office buildings: Building 1C is 90,000 square feet and three-stories; Building 1D is 90,000 square feet and four-

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stories; Phase 2 building is 145,000 square feet and five-stories in height on a 13.20 acre portion of a 42.15 acre site, zoned Office and Institutional with a Development Plan (OI(D)), Falls/Jordan Protected Area (F/J-B) and Major Transportation Corridor Overlay (MTC) -- the site is located east of I-40 and Leigh Farm Road and north of NC 54, PINs for the site are 0708-02-58-5961; 0708-02-48-9929; 0708-02-59-3209, 4720; 0708-02-69-1063 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING  
IMPROVEMENT UNDER ENABLING ACT AUTHORITY - CURB,  
GUTTER AND PAVING AND WATER AND SEWER LATERALS ON  
HARVARD AVENUE**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to adopt a resolution setting a public hearing for November 19, 2007, to consider ordering Curb, Gutter and Paving and Water and Sewer Laterals on Harvard Avenue from S. Benjamine Street to Miami Boulevard was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING  
PETITIONED IMPROVEMENT - SIDEWALK ON MONMOUTH  
AVENUE**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to accept a Certificate of Sufficiency from the Manager of Engineering and Stormwater for the following petition; and

To adopt a resolution setting a public hearing for November 19, 2007, to consider ordering the following improvement was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Sidewalk on Monmouth Avenue (South Side) from N. Buchanan Boulevard to Watts Street.

**SUBJECT: CARRYOVER BUDGET AMENDMENT FY06-07 TO FY07-08**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to adopt an Ordinance Amending the 2007-08 City of Durham Budget Ordinance, the same being Ordinance 13451; and

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To adopt a resolution establishing FY 2007-08 financial plans for internal service funds, superseding resolution 9480 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13497**

**Resolution #9503**

**SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
MUNICIPAL AGREEMENT FOR THE RE-INSPECTION OF BRIDGES  
ON THE MUNICIPAL STREET SYSTEM [F.A. PROJECT BRZ-NBIS  
(15)]**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to adopt a resolution authorizing the City Manager to execute a municipal agreement with North Carolina Department of Transportation for re-inspection of bridges on the Municipal Street System "F.A. Project BRZ-NBIS (15)"; and

To authorize the City Manager to modify the agreement and other related documents before execution, provided that the modifications do not increase the dollar amount of the agreement and do not lessen the obligations of the contractor was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Resolution #9504**

**SUBJECT: LEASE AGREEMENT WITH HANSON AGGREGATES SOUTHEAST,  
INC. AT TEER QUARRY**

**MOTION** by Mayor Pro Tempore Cole-McFadden seconded by Council Member Woodard to authorize the City Manager to execute a lease agreement pursuant to a previously approved Purchase Contract with Hanson Aggregates Southeast, Inc. regarding the use of the sales yard that is located near the quarry; and

To authorize the City Manager to modify the lease before execution provided the modifications do not increase the dollar amount of the lease and are consistent with the general intent of the version of the lease approved by City Council was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**The City Council disposed of the following agenda items at the October 18, 2007 Work Session:**

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**16. Proposed Sale of Property at 1407 Taylor Street PIN# 831-14-45-7026**

To determine the property at 1407 Taylor Street as surplus;

To authorize the sale of the property under the authority of Section 86 of the City Charter;

To accept the offer to purchase the property located at 1407 Taylor Street; and

To authorize the City Manager to sell and the Mayor to convey the property by a non-warranty deed, and authorize the City Manager to terminate the contract for sale if the contract terms are not fulfilled.

**Note: This item was approved at the 10-18-07 Work Session with a vote of 5/0.**

**20. Street Lights**

To receive an update on street light installations.

**Note: Presentation was received at the 10-18-07 Work Session.**

**21. Revitalization Efforts in North East Central Durham**

To receive a presentation on the Revitalization Efforts in North East Central Durham.

**Note: Presentation was received at the 10-18-07 Work Session.**

**26. Thai Ton**

To receive comments from Thai Ton regarding the Human Rights Torch Relay.

**Note: Citizen did not appear at the 10-18-07 Work Session.**

**27. Fayetteville Street Planning Group**

To receive comments from Denise Hester regarding funding for the Fayetteville Street Plan.

**Note: Comments were received at the 10-18-07 Work Session.**

**28. The Life House Learning Center, Inc.**

To receive comments from Derrick Phillips regarding surplus property donation.



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**Note: Comments were received at the 10-18-07 Work Session.**

**29. Elm Grove Homeowners**

To receive comments from Caroline Zarzar regarding street names needed in their neighborhood.

**Note: Citizen did not appear at the 10-18-07 Work Session.**

**30. Jimmy Lawton**

To receive comments from Jimmy Lawton regarding rat control.

**Note: This item was deferred to the November 8, 2007 Work Session.**

**31. Teague-Hankins Medical Facility Site**

To direct the City Manager to negotiate an amendment to the Annexation Agreement with Raleigh that would cede the Teague-Hankins tract to Raleigh's jurisdiction subject to the conditions described in this report;

To authorize the City Manager to negotiate a temporary utility service agreement with Raleigh for the Durham service area in Wake County; and

To authorize the City Manager to initiate the process to obtain the necessary approvals from the applicable governing boards to effectuate these agreements.

**Note: This item was referred back to the Administration – City Manager's Office.**

**32. Town of Chapel Hill Law Enforcement Assistance during Halloween 2007 Grant Project Ordinance**

To adopt the Town of Chapel Hill Law Enforcement Assistance during Halloween 2007 Grant Project Ordinance. **Ordinance #13496**

**Note: This item was approved at the 10-18-07 Work Session with a vote of 5/0.**

**[GENERAL BUSINESS AGENDA]**

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**SUBJECT: CVS HIGHWAY 98 INITIAL (Z07-13A) – CITY OF DURHAM –  
NORTHEAST CORNER OF PATTERSON ROAD AND WAKE FOREST  
HIGHWAY**

To conduct a public hearing to receive public comments on the initial zoning map change for CVS Highway 98 Initial (Z07-13A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Commercial Neighborhood (CN) and Commercial Center (CC); Falls/Jordan-B Watershed Protection Overlay (F/J-B) zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report. Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report. [The site is located at intersection of Wake Forest Highway and Patterson Road, across from Stallings Road. PIN 0861-03-10-5538]

Interim City/County Planning Director Steve Medlin noted staff would like to certify that notification has been carried out in accordance with the Unified Development Ordinance and affidavits have been completed which are a part of the case file. He briefed Council on the initial zoning and reported staff and the Planning Commission have both recommended approval of this request.

Mayor Bell opened the public hearing. There being no one to speak in support or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Woodard to conduct a public hearing to receive public comments on the initial zoning map change for CVS Highway 98 Initial (Z07-13A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Commercial Neighborhood (CN) and Commercial Center (CC); Falls/Jordan-B Watershed Protection Overlay (F/J-B) zoning for the property described in the staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 7:47

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p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13499**

**SUBJECT: THE WORSHIP CENTER INITIAL (Z07-06A) – CITY OF DURHAM –  
SOUTHSIDE OF LUMLEY ROAD AND WEST SIDE OF PAGE ROAD**

To conduct a public hearing to receive public comments on the initial zoning map change for The Worship Center Initial (Z07-06A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Rural (RR) and Residential Suburban Multifamily (RS-M(D)) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report. Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report. [The site is located at the intersection of Lumley Road and Page Road, south side of Lumley Road, west side of Page Road. PIN 0759-04-51-0649]

Interim City/County Planning Director Steve Medlin noted staff would like to certify that notification has been carried out in accordance with the Unified Development Ordinance and that affidavits have been completed which are a part of the case file. He briefed Council on the initial zoning. He reported staff and the Planning Commission have both recommended approval of this request.

Mayor Bell opened the public hearing.

Choudhary Preeti, of 1915 Rathie Drive, spoke in opposition to this request expressing concern with the noise and traffic that will be brought to the area with this facility. Also, she stated they have received inadequate information regarding the plans and raised a concern regarding the lack of a barrier between the residential area and the property. She requested an extension to allow her neighbors to sign the petition that she was unable to download.

Manickam Karthikeyan, of 1915 Rathie Drive, requested a homeowner's association meeting to discuss changes and details about the construction, traffic and lighting issues.

Interim City/County Planning Director Steve Medlin briefed Council on this site and reported the site plan and special use permit were recently approved by the Board of County Commissioners and there was no rezoning associated with this property. He asked that staff be

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allowed to meet with these citizens to review plan, explain what has been approved and address concerns related to buffering, lighting and transportation related improvements.

Council Member Woodard asked staff had this request remained in the county and not brought into the City, the church would still do the same type of things on the property.

Interim City/County Planning Director Steve Medlin replied yes.

Council held discussion on the notification process, problem with downloading petition, and continuing the public hearing to allow staff to meet with residents.

**MOTION** by Council Member Clement seconded by Mayor Pro Tempore Cole-McFadden to continue the public hearing without further advertising to the November 19, 2007 City Council Meeting was approved at 7:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: OBEDIENCE TO THE WORD INITIAL (Z07-16A) – CITY OF DURHAM – INTERSECTION OF SOUTH MINERAL SPRINGS ROAD AND NOAH DRIVE, EAST OF SOUTH MINERAL SPRINGS ROAD AND SOUTH OF NOAH DRIVE**

To conduct a public hearing to receive public comments on the initial zoning map change for Obedience to the Word Initial (Z07-16A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Rural Residential (RR) and Residential Suburban - 10 (RS-10); Falls/Jordan-B Watershed Protection Overlay (F/J-B) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report. Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report. [The site is located at the intersection of South Mineral Springs Road and Noah Drive, east of South Mineral Springs Road and south of Noah Drive. PIN 0851-01-20-1035]

Interim City/County Planning Director Steve Medlin noted staff would like to certify that notification has been carried out in accordance with the Unified Development Ordinance and that affidavits have been completed which are a part of the case file. He briefed Council on the initial zoning. He reported staff and the Planning Commission recommended approval of this request.

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Mayor Bell opened the public hearing. There being no one to speak in support or against this item, the Mayor closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Catotti to conduct a public hearing to receive public comments on the initial zoning map change for Obedience to the Word Initial (Z07-16A);

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Rural Residential (RR) and Residential Suburban - 10 (RS-10); Falls/Jordan-B Watershed Protection Overlay (F/J-B) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that, while the action is not consistent with the Comprehensive Plan, it is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13500**

**SUBJECT: BUNGALOW AVENUE INITIAL (Z07-04A) – CITY OF DURHAM – EAST AND WEST SIDE OF BUNGALOW AVENUE, SOUTH OF LAUREL DRIVE AND NORTH OF FEATHERGLEN COURT**

To conduct a public hearing to receive public comments on the initial zoning map change for Bungalow Avenue Initial (Z07-04A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Suburban-20 (RS-20); Falls/Jordan-B Watershed Protection Overlay (F/J-B) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Approval, based on annexation by the Council and the information contained in this report. Planning Commission Recommendation: Approval, per the resolution adopted by the Commission on December 13, 2005 and attached to the staff report. [The site is located on the east and west side of Bungalow Avenue, south of Laurel Drive and north of Featherglen Court. PINs 0840-04-52-9774, -62-0633, -1945, -1894, -2743, -3603]

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Interim City/County Planning Director Steve Medlin noted staff would like to certify that notification has been carried out in accordance with the Unified Development Ordinance and that affidavits have been completed which are a part of the case file. He briefed Council on the initial zoning. He reported staff and the Planning Commission recommended approval of this request.

Mayor Bell opened the public hearing.

Stacey Phillips, of 1315 Bungalow Avenue, spoke in opposition to this request noting she moved to this address in the County not to pay City and County taxes. She urged Council to leave this area in the County and not bring it into the City.

Interim City/County Planning Director Steve Medlin reported the property has been annexed by the City Council and briefed Council noting this item is placing a zoning on the property.

It was indicated that staff would meet with Ms. Phillips to discuss this issue.

Council Member Brown stated the realtor should have disclosed to the buyer area would probably be annexed into the City.

Mayor Bell closed the public hearing.

**MOTION** by Council Member Stith seconded by Council Member Woodard to conduct a public hearing to receive public comments on the initial zoning map change for Bungalow Avenue Initial (Z07-04A);

To adopt an ordinance amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, to establish Residential Suburban-20 (RS-20); Falls/Jordan-B Watershed Protection Overlay (F/J-B) zoning for the property described in the attached staff report; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest given that this reflects the zoning of the property in the County and in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13501**

**[SUPPLEMENTAL ITEM]**

**SUBJECT: RESOLUTION MEMORIALIZING HARRY EDWIN RODENHIZER, JR.**

**MOTION** by Council Member Woodard seconded by Council Member Catotti to adopt a Resolution Memorializing Harry Edwin Rodenhizer, Jr. was approved at 8:06 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Resolution #9505**

**[ITEM PULLED FROM CONSENT AGENDA]**

**SUBJECT: AMENDMENT TO 2007-2009 CITY OF DURHAM EMPLOYMENT AND TRAINING GRANT PROJECT ORDINANCE SUPERSEDING GRANT PROJECT ORDINANCE #13480 - N. C. DEPARTMENT OF COMMERCE REGIONAL COLLABORATION GRANT**

Victoria Peterson expressed concern with the attendance of Council Members sitting on Workforce Development Board and how this board is handling their funds. She stated she would like to see more of the dollars used for job skills training. Also, she requested a breakdown of the amount.

Kevin Dick, of the Office of Economic and Workforce Development, gave a breakdown on training dollars.

Mayor Bell asked the City Manager to designate some time so that Council could be briefed on the full scope of workforce development, the actual number of slots available for training and how many slots are occupied by persons in the Durham County. Also, he asked the administration for another breakdown indicating the location of persons in the community that are participating in job training program, the age group and how many individuals after completing the training are employed in some type of industry.

City Manager Baker announced a report will be presented to the Workforce Development Board and the same report could be made available to Council.

**MOTION** by Council Member Woodard seconded by Council Member Catotti to authorize the City Manager to accept the North Carolina Department of Commerce Regional Collaboration Grant by executing the grant documents; and

To adopt the 2007-2009 City of Durham, North Carolina and State of North Carolina Department of Commerce Grant Project Ordinance, superseding Grant Project Ordinance #13480, in the amount of \$1,411,122.00 was approved at 7:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13498**

**November 5, 2007**

There being no further business to come before the City Council, the meeting was adjourned at 8:16 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk